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Docket No. 1303 DIV CON

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: James F. McGuckin, Jr.

Examiner:

559

Group Art Unit:

Serial No: 09/982,539

Filed: 10/18/01

For: Surgical Biopsy Device

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**PRELIMINARY AMENDMENT**

ASST. COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

Sir:

Prior to examination, please amend the above-identified application as follows:

**IN THE CLAIMS:**

Please add the following claims:

- 2abc
- 3,
81. (New) A surgical biopsy apparatus comprising:
- an elongated housing having a distal portion and a longitudinal axis;
  - a cutting loop advanceable distally from the housing and expandable so a transverse dimension of the cutting loop exceeds a transverse dimension of the elongated housing; and
  - a tissue collection member having a distally oriented opening and advanceable distally from the housing and expandable so the distally oriented opening of the tissue collection member expands to a transverse dimension exceeding the transverse dimension of the elongated housing.
82. (New) The apparatus of claim 81, wherein the cutting loop and tissue retrieval member are initially retained in the housing in a collapsed position.
83. (New) The apparatus of claim 82, wherein the cutting loop is electrically energized to cut tissue.

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84. (New) The apparatus of claim 82, further comprising a tissue piercing element extending for enabling the housing to penetrate tissue.

85. (New) The apparatus of claim 83, further comprising a drawstring connected to the collection member for closing the tissue collection member.

86. (New) A surgical method for excising a tissue mass comprising:

providing a housing having a distal portion and a longitudinal axis and a cutting loop and tissue containment bag in the housing;

B, advancing the cutting loop and the tissue collection member distally from the housing toward the tissue mass, the step of advancing the cutting loop distally expands the loop so a transverse dimension of the cutting loop exceeds a transverse dimension of the elongated housing, and the step of advancing the tissue collection member distally from the housing moves a distally facing opening of the tissue collection member in a distal direction and expands the opening to a transverse dimension exceeding the transverse dimension of the elongated housing.

87. (New) The method of claim 87, further comprising pulling a drawstring to close the tissue collection member.

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REMARKS

By this amendment claims 81-87 have been added. Claims 56-80 remain in this application.

Prompt and favorable consideration of claims 56-87 of the present application is respectfully requested. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

Dated: 1/23/03

Respectfully submitted,

By: Neil D. Gershon

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